

HOUSE BILL 1368

By Kernell

AN ACT to amend Tennessee Code Annotated, Title 20,
Chapter 10, Part 1, relative to punitive damages in
civil actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 20, Chapter 10, Part 1, is amended by
adding a new section thereto, as follows:

Section 20-10-104.

(a) In all trials had in civil actions, after a verdict and a judgment for
compensatory and punitive damages have been entered, including settlements
approved by the court, on motion of the defendant, the trial judge shall order that
punitive damages of more than one million dollars (\$1,000,000) shall be awarded to the
board of claims for disposition to plaintiffs with the same or similar cause of action who
were awarded compensatory but not punitive damages.

(b) No award of punitive damages shall be made to the board of claims until all
appeals in the cause of action have been exhausted.

(c) Punitive damages awarded to the board of claims shall be earmarked and
kept in a special fund. Plaintiffs who have a same or similar claim as the original plaintiff
shall petition the board of claims for a portion of such punitive damages in the same
manner as other claims are presented to the board. If such funds are not distributed
within five (5) years to plaintiffs who have a same or similar claim as the original plaintiff
who was awarded punitive damages, such funds shall escheat to the general fund of the
state.

(d) Nothing in this section shall affect attorneys' fees in such civil actions.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.

